

SECTION 62A-5-105, U.C.A.

Agenda Item 3: Duty of Board of Services for People with Disabilities to Make Recommendations to the Health and Human Services Interim Committee

62A-5-105. Board -- Membership -- Responsibilities -- Policy mediation.

- (1) The board is the policymaking body for the division and shall establish by rule the policy of the division in accordance with:
 - (a) the policy of the Legislature as set forth by this chapter; and
 - (b) Title 63, Chapter 46a, Utah Administrative Rulemaking Act.
- (2) The board shall:
 - (a) establish program policy for the division, the developmental center, and programs and facilities operated by or under contract with the division;
 - (b) establish policies for the assessment and collection of fees for programs within the division;
 - (c) no later than July 1, 2003, establish a graduated fee schedule based on ability to pay and implement the schedule with respect to service recipients and their families where not otherwise prohibited by federal law or regulation or not otherwise provided for in Section 62A-5-109;
 - (d) establish procedures to ensure that private citizens, consumers, private contract providers, allied state and local agencies, and others are provided with an opportunity to comment and provide input regarding any new policy or proposed revision to an existing policy;
 - (e) provide a mechanism for systematic and regular review of existing policy and for consideration of policy changes proposed by the persons and agencies described under Subsection (2)(d);
 - (f)
 - (i) **establish and periodically review the criteria used to determine who may receive services from the division and how the delivery of those services is prioritized within available funding; and**
 - (ii) **make periodic recommendations based on the review conducted under Subsection (2)(f)(i) to the Health and Human Services Interim Committee beginning at or before the September 2002 meeting of the committee;**
 - (g) review implementation and compliance by the division with policies established by the board to ensure that the policies established by the Legislature in this chapter are carried out; and
 - (h) annually report to the executive director.
- (3) At least one member of the board shall be a person whose life or family is directly affected by a disability, and at least one other board member shall be a person with a physical disability.
- (4) The executive director shall mediate any differences which arise between the policies of the board and those of any other policy board in the department.